

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION  
ADMINISTRATION BOARD

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ROLL CALL HEARING

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 IN THE MATTER OF: \*  
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 Crave, LLC t/a Mess Hall \* Substantial Change  
 703 Edgewood Street, N.E. \*  
 License #ABRA--095398 \*  
 Retailer CT \*  
 Substantial Change \*  
 Case #15-PRO-00083 \*  
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The hearing in the above-entitled  
 matter commenced, pursuant to notice, at 10:03  
 a.m., on Tuesday, September 8, 2015, in the ABRA  
 Hearing Room, Suite 400S, Frank D. Reeves  
 Municipal Center, 2000 14th Street, N.W.,  
 Washington, D.C.

BEFORE:

LAVERNE FLETCHER, Board Agent

1 P-R-O-C-E-E-D-I-N-G-S

2 (10:03 a.m.)

3 MS. FLETCHER: Would the parties in the  
4 matter of Mess Hall please come forward. The  
5 parties in the matter of Mess Hall. This is Case  
6 #15-PRO-00083, Crave, LLC trading as Mess Hall,  
7 703 Edgewood Street, N.E., License number ABRA-  
8 095398. This is a Retailer Class CT, Substantial  
9 Change, request for entertainment endorsement and  
10 cover charge to allow use of a live band, disc  
11 jockey, or karaoke to complement cultural food  
12 events.

13 The protest issues are adverse impact  
14 on peace, order, and quiet, parking, over-  
15 concentration, and pedestrian and vehicular  
16 safety. My name is LaVerne Fletcher. I'm  
17 conducting the roll call hearing as the Board's  
18 Agent, pursuant to D.C. Official Code 1601.2.  
19 The Applicant, Mess --- are you for Mess Hall?

20 MR. GOLDBERG: Yes, ma'am. My name is  
21 Al Goldberg. I'm representing Mess Hall.

22 MS. FLETCHER: Okay. Thank you. You can

1 have a chair on that side and the Protestant has  
2 a chair on that side. Thank you. Is Ms. Steiner  
3 -- is that you?

4 MS. STEINER: Yes.

5 MS. FLETCHER: Okay. So introductions,  
6 beginning with the Applicant, please. Your name,  
7 and could you spell it for the record.

8 MR. GOLDBERG: Yes. My name is Al  
9 Goldberg. A-L. G-O-L-D-B-E-R-G.

10 MS. FLETCHER: Thank you, Mr. Goldberg.  
11 And present on behalf of the Protestants?

12 MS. STEINER: Deborah L. Steiner, S-T-  
13 E-I-N-E-R, ANC 5B01, Single Member District.

14 MS. FLETCHER: And Deborah, could you  
15 spell your first name for the record.

16 MS. STEINER: D-E-B-O-R-A-H.

17 MS. FLETCHER: And you are a  
18 commissioner but you're not here --

19 MS. STEINER: No.

20 MS. FLETCHER: -- on behalf of the ANC  
21 today?

22 MS. STEINER: Exactly.

1 MS. FLETCHER: You're here on behalf of  
2 a Group of 16?

3 MS. STEINER: Yes.

4 MS. FLETCHER: Are any of your members  
5 from the group present today?

6 MS. STEINER: Yes. They can all raise  
7 their hands. Could you all please raise your hand  
8 now?

9 MS. FLETCHER: Okay. Could you do me a  
10 favor. Could you stand behind Ms. Steiner.  
11 There's a microphone right there on the table. If  
12 you would stand behind that microphone, state  
13 your name and spell it for the record.

14 MR. LIPSCOMB: Dwayne Lipscomb. Dwayne,  
15 D-W-A-Y-N-E. Lipscomb. L-I-P-S-C-O-M-B.

16 MS. FLETCHER: Thank you.

17 MS. GAVEIS: Good morning. Deborah  
18 Gaveis. First name is D-E-B-O-R-A-H. Last name is  
19 G-A-V-E-I-S.

20 MS. FLETCHER: And Mr. Goldberg, don't  
21 touch the microphone. I'm sorry.

22 MR. GOLDBERG: Oh, excuse me, sorry.

1 MS. FLETCHER: That's okay. Thank you.

2 MS. HARVEY: My name is Elsie Harvey.

3 MS. FLETCHER: I'm sorry. Can you say  
4 that, speak a little louder so the court reporter  
5 can --

6 MS. HARVEY: Elsie Harvey.

7 MS. FLETCHER: Elsie?

8 MS. HARVEY: Harvey.

9 MS. FLETCHER: Harvey. Oh, Elsie  
10 Harvey?

11 MS. HARVEY: E-L-S-I-E.

12 MS. FLETCHER: Okay. And the last name  
13 is Harvey?

14 MS. HARVEY: Right.

15 MS. FLETCHER: H-A-R-V-E-Y?

16 MS. HARVEY: Right.

17 MS. FLETCHER: Okay. Thank you, Ms.  
18 Harvey.

19 MS. POLLARD: My name is Ardelle  
20 Pollard.

21 MS. FLETCHER: And would you spell  
22 that, Ms. Pollard.

1 MS. POLLARD: The first name is spelled  
2 capital A-R, D as in David, E-L-L-E. And the last  
3 name is spelled P as in Paul, O-L-L-A-R, D as in  
4 David.

5 MS. FLETCHER: Thank you. Thank you  
6 very much.

7 MR. GAVEIS: Elbert. E-L-B-E-R-T.  
8 Gaveis, Jr.

9 MS. FLETCHER: Okay. Thank you.

10 MR. BROOKS: Good morning.

11 MS. FLETCHER: Good morning.

12 MR. BROOKS: Dennis Brooks. D-E-N-N-I-  
13 S. B-R-O-O-K-S.

14 MS. FLETCHER: Thank you, Mr. Brooks.  
15 There's seven members of the group present today  
16 and so the group is granted standing as a  
17 Protestant. The Group of 16 is granted standing  
18 as a Protestant, and the fact that seven of you  
19 are here today means that at the upcoming status  
20 hearing, Ms. Steiner, only you will need to  
21 appear on behalf of the group. So no one else  
22 will need to appear.

1 MS. STEINER: Okay. Thank you.

2 MS. FLETCHER: And at the mediation,  
3 you only need to appear as the designated  
4 representative for the group as well.

5 MS. STEINER: Okay. Thank you.

6 MS. FLETCHER: You're welcome. So I'm  
7 going to give you a date for mediation, a status  
8 hearing, and a protest hearing.

9 MR. GOLDBERG: Excuse me, ma'am.

10 MS. FLETCHER: Yes?

11 MR. GOLDBERG: Am I allowed to object  
12 to any of the members that are standing?

13 MS. FLETCHER: What are your  
14 objections?

15 MR. GOLDBERG: My objection is the  
16 proximity. For example, one of the Protestants is  
17 located approximately two miles away from my  
18 establishment, and they need to be within close  
19 proximity. In fact --

20 MS. FLETCHER: Can you tell me the name  
21 of that person.

22 MR. GOLDBERG: Yes. Mr. Lipscomb,

1 Dwayne Lipscomb, is located at 637 --

2 MS. FLETCHER: Did you say Gwen?

3 MR. GOLDBERG: Dwayne Lipscomb. It  
4 looks like at 637 --- it looks like Hamilton  
5 Street.

6 MR. LIPSCOMB: That's incorrect.

7 MS. FLETCHER: If you speak, you have  
8 to come to the table and speak into the  
9 microphone, and then one at a time. So Mr.  
10 Goldberg?

11 MR. GOLDBERG: Goldberg, yes.

12 MS. FLETCHER: Okay. So you believe  
13 that Mr. Lipscomb lives approximately two miles  
14 from the establishment?

15 MR. GOLDBERG: If that's the --- if I'm  
16 reading his address correctly on the form. That's  
17 what it appears to be, ma'am.

18 MS. FLETCHER: So do you know? Or do  
19 you think?

20 MR. GOLDBERG: It's written in his  
21 penmanship, so --

22 MS. FLETCHER: I mean, do you know that



1       that's two miles away, or do you believe it's --

2               MR. LIPSCOMB: No, it's not two miles  
3       away --

4               MS. FLETCHER: Okay. Just a second. Is  
5       there anyone else on the list, Mr. Goldberg?

6               MR. GOLDBERG: I would object to,  
7       really, all of them, given the proximity is more  
8       than a quarter mile away, with the exception of  
9       one that's located on Evarts Street.

10              MS. FLETCHER: Okay. Well, that's ---  
11       okay. And what were you going to say, Mr.  
12       Lipscomb?

13              MR. LIPSCOMB: He said Hamilton. I  
14       don't live on Hamilton Street. I live on Hamlin.

15              MS. FLETCHER: Okay. Thank you.

16              MR. LIPSCOMB: Exactly three blocks.

17              MS. FLETCHER: Thank you very much.

18              MR. LIPSCOMB: Two and a half blocks.

19              MS. FLETCHER: Thank you very much.

20       Well, Mr. Goldberg, if at some point you have any  
21       evidence or documentation that the Protestants  
22       live miles away, you can present that to the ABC

1 Board for reconsideration.

2 MR. GOLDBERG: Okay. It's just an  
3 interpretation of the penmanship.

4 MS. FLETCHER: I understand.

5 MR. GOLDBERG: So I don't --- I see ---  
6 I see what he's saying. Still, it's --- it is  
7 more than --- it's quite a few more blocks than 3  
8 blocks away. In fact, it is approximately a half  
9 a mile away, still.

10 MS. FLETCHER: If you have any  
11 objection to any of the individuals that were  
12 granted standing, Mr. Goldberg, that will be  
13 fine. If you have any evidence you'd like to  
14 submit to the ABC Board to show that the  
15 Protestants live, in your opinion, too far away  
16 to be impacted, please feel free to submit that  
17 at any time.

18 MR. GOLDBERG: May I approach, then.

19 MS. FLETCHER: Yes.

20 MR. GOLDBERG: For clarification  
21 purposes, the address of my establishment is  
22 notated by the star. It's a one-way dead-end

1 street, which I believe is significant. It's  
2 significantly further away from any of these  
3 addresses, all of which are noted in a --- with  
4 these pin drops.

5 MS. FLETCHER: And what you can do ---  
6 thank you for that, and you can submit that to  
7 the Board. I don't know if you have an  
8 understanding of how far a Protestant should live  
9 from your establishment, but if you believe that  
10 this is too far, then you will submit this  
11 document here, with a statement to the Board,  
12 asking the Board to dismiss the individuals that,  
13 in your opinion, live too far away. But you would  
14 need to get the measurements, or just submit this  
15 for the Board's consideration.

16 MR. GOLDBERG: Thank you, ma'am.

17 MS. FLETCHER: Okay.

18 MR. GOLDBERG: Would that occur prior  
19 to the mediation?

20 MS. FLETCHER: It would occur whenever  
21 you do it. I'm granting standing to the Group of  
22 16 today.

1 MR. GOLDBERG: And one other  
2 correction, ma'am.

3 MS. FLETCHER: Yes?

4 MR. GOLDBERG: There are not 16. It  
5 appears as though there's 15, at most.

6 MS. FLETCHER: Well, I'm granting  
7 standing to the 15. I'm granting standing to the  
8 entire group today, and Mr. Goldberg, as I said,  
9 you have the option of asking the ABC Board to  
10 reconsider my granting of standing to the group  
11 today.

12 MR. GOLDBERG: Okay. Thank you.

13 MS. FLETCHER: You're welcome. So I'm  
14 going to go ahead and set a date for a mediation,  
15 a status hearing, and a protest hearing. I'll  
16 give you the date for the status and protest  
17 hearing first. And Mr. Goldberg, did you put  
18 your contact information on that sheet already?

19 MR. GOLDBERG: I'll do that right now.

20 MS. FLETCHER: Okay. Thank you.

21 And Ms. Steiner, is your contact  
22 information on that sheet already?

1 MS. STEINER: Yes.

2 MS. FLETCHER: Thank you. The date for  
3 the status hearing is going to be October 7 at  
4 9:30 a.m.

5 The date for the protest hearing is  
6 December the 2nd. December the 2nd at 1:30 p.m.

7 MS. STEINER: 1:00 p.m.?

8 MS. FLETCHER: 1:30.

9 MS. STEINER: 1:30. Question?

10 MS. FLETCHER: Yes.

11 MS. STEINER: Would all of the  
12 protesters get a notification about these dates,  
13 or would anything be sent to them in the mail?

14 MS. FLETCHER: Yes. You're going to get  
15 a written notice of the dates that I've just  
16 given, but those dates only go to the designated  
17 representatives.

18 MS. STEINER: Okay. I can just go ahead  
19 and copy these, to make sure they get it. Okay.  
20 Thank you.

21 MS. FLETCHER: Yes.

22 MS. STEINER: And they are -- all

1 Protestants are allowed to be here to listen?

2 MS. FLETCHER: Yes. They can come in.

3 Yes.

4 MS. STEINER: Okay.

5 MS. FLETCHER: Yes. Each Protestant has  
6 the same right.

7 MS. STEINER: Okay.

8 MS. FLETCHER: Once you designate --  
9 we'd like for you to designate a representative,  
10 so that we have a contact person. But each  
11 Protestant has the same right.

12 MS. STEINER: Okay. Thank you.

13 MS. FLETCHER: At the status hearing,  
14 you're only required to be present but everybody  
15 can come. Every member from your group can come  
16 to the status hearing if they want. It's a public  
17 hearing.

18 MS. STEINER: Right. Thank you.

19 MS. FLETCHER: Just so that you know,  
20 the purpose of the status hearing is to report to  
21 the Board the results of the mediation, which  
22 we're going to schedule a date for a mediation in

1 just a minute.

2 MS. STEINER: Okay. Thank you.

3 MS. FLETCHER: The next available date  
4 for mediation is Tuesday, September the 15th, at  
5 9:00, 10:00 or 11:00.

6 MR. GOLDBERG: May I request a  
7 different date from that, ma'am?

8 MS. FLETCHER: Yes. The next available  
9 date is Thursday, September 24.

10 MS. STEINER: Could we get another  
11 date?

12 MS. FLETCHER: Yes.

13 MS. STEINER: Thursdays are not good  
14 for me. I'm sorry.

15 MS. FLETCHER: Okay. Thursdays are not  
16 good?

17 MS. STEINER: No.

18 MS. FLETCHER: Okay. What about Friday,  
19 the 18th at 9:00 a.m.? That works for you, Ms.  
20 Steiner?

21 MS. STEINER: Works fine with me.

22 MR. GOLDBERG: I'll make that happen.

1 MS. FLETCHER: Is that okay? So then  
2 we'll do the mediation at 9 o'clock on September  
3 the 18th. That's a Friday.

4 MS. STEINER: Yes. Thank you so much.

5 MS. FLETCHER: You're welcome.

6 MR. GOLDBERG: Thank you.

7 MS. FLETCHER: You're welcome. Any  
8 questions at all? My card is on the table if you  
9 have any questions beyond today. The mediation  
10 will take place here, most likely in this room.  
11 Just check in with the receptionist.

12 MS. STEINER: Okay.

13 MS. FLETCHER: And Mr. Goldberg, the  
14 ABC Board meets every Wednesday. So if you're  
15 going to petition the Board to reconsider the  
16 granting of standing to the group, they're here  
17 every Wednesday.

18 MR. GOLDBERG: Thank you, ma'am.

19 MS. FLETCHER: You're welcome.

20 MR. GOLDBERG: Is the procedure to  
21 simply show up and protest in person?

22 MS. FLETCHER: Actually, you need to



1 send it in writing, and you'll be -- send a  
2 letter to the Alcoholic Beverage Control Board at  
3 that address on my card, and you would be asking  
4 them to dismiss the Group of 15, or whatever your  
5 count is, because you believe that they live too  
6 far to be negatively impacted by your operation.  
7 And you do that in writing, and that goes on the  
8 Board's agenda. There's no hearing for that. They  
9 have an agenda that they meet on, and so they  
10 would -- your request would go on the Board's  
11 agenda, and they would review it, and you would  
12 hear from them regarding the results.

13 MR. GOLDBERG: Thank you. And would I  
14 be present for that as well?

15 MS. FLETCHER: No. The Board  
16 deliberates behind closed doors, out of public  
17 for the agenda.

18 MR. GOLDBERG: Okay.

19 MS. FLETCHER: So there is no hearing  
20 for the agenda. There's only a hearing for the  
21 calendar. But when they review written requests,  
22 those are not hearings. But someone will call you

1 with the results.

2 MR. GOLDBERG: I understand.

3 MS. FLETCHER: Yes.

4 MR. GOLDBERG: Thank you.

5 MS. FLETCHER: Yes, Ms. Steiner?

6 MS. STEINER: Ms. Fletcher, I would  
7 just like to have -- make a statement in regards  
8 to the miles, or what he's claiming as far as  
9 individuals not having standing. I just want to  
10 make sure that it's said for the record, that  
11 everybody lives either on Girard Street, N.E.,  
12 6th Street, N.E., or Franklin Street, N.E.

13 MS. FLETCHER: In the neighborhood.

14 MS. STEINER: Which is right directly  
15 in the neighborhood. As well as the posting of  
16 his cards were blue, and they were not in a  
17 conspicuous place as it states that it should be  
18 in accordance to the law.

19 MS. FLETCHER: And also Mr. Goldberg,  
20 if you petition the Board to dismiss the group,  
21 then you would need to send a copy of that  
22 request to Ms. Steiner, so that she has an

1 opportunity to respond to your request. So --

2 MR. GOLDBERG: To the address on file,  
3 ma'am? Is that to the address on file?

4 MS. FLETCHER: You can --- unless Ms.  
5 Steiner has a different address.

6 MS. STEINER: You have the ANC 5B01  
7 address for me. If you could --- but my address  
8 is 2826 6th Street, N.E. And I'm the second one  
9 on the sheet. I should be.

10 MR. GOLDBERG: I see you're the first.  
11 Yes.

12 MS. STEINER: Okay.

13 MR. GOLDBERG: I'll send it to that  
14 address.

15 MS. STEINER: Okay. Thank you so much.

16 MS. FLETCHER: Because then what  
17 happens, Mr. Goldberg gets to ask the Board to  
18 dismiss the group for the reasons, whatever  
19 reason he states, and then you get to respond to  
20 that.

21 MS. STEINER: Okay. Thanks.

22 MS. FLETCHER: And the Board takes both

1 documents into consideration.

2 MR. GOLDBERG: Thank you.

3 MS. FLETCHER: You're welcome. Any  
4 other questions, at all?

5 (No response)

6 MS. FLETCHER: Okay. Then the roll call  
7 hearing is concluded. See you on the --

8 MS. STEINER: Next Friday.

9 MS. FLETCHER: Next Friday.

10 MS. STEINER: Thank you so much. I  
11 appreciate it.

12 MS. FLETCHER: You're welcome.

13 (Whereupon, at 10:23 a.m., the roll  
14 call hearing was concluded.)  
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21  
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